

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL

Plaintiff

v.

SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY

Defendant and
Third Party Plaintiff

vs.

King Paratransit Service, Inc.,
370 Crooked Lane
King of Prussia, PA 19406
and

Edens, Corporation
31 North Columbus Boulevard
Pier 3, Suite 328
Philadelphia, PA 19106
and

Triage, Inc.
800 W. Olney Ave.
Philadelphia, PA 19120
and

Atlantic Paratrans, Inc.
7 North Street
Staten Island, NY 10302
and

Community Transit, Inc.
202 Eddystone
Crum Lynn, PA 19022
and

J & D Jagicla Enterprises, Inc. t/a
Liberty Vans
1390 Industrial Boulevard
Southampton, PA 18966
and

CIVIL ACTION

No. 02CV3591

JURY TRIAL DEMAND

Krapfs CPS, Inc.	:
797-6 E. Lancaster Avenue	:
Doylestown, PA 19335	:
and	:
Anderson Travel	:
2600 E. Butler Street	:
Philadelphia, PA 19137	:
and	:
King Limousine Service, Inc.	:
370 Crooked Lane	:
King of Prussia, PA 19406	:
	:
Third Party Defendants	:
	:

THIRD PARTY COMPLAINT

1. Plaintiff, Douglas El has filed a class action complaint against defendant Southeastern Pennsylvania Transportation Authority (hereinafter "SEPTA"). Attached, as Exhibit "A," is a copy of the plaintiff's First Amended Class Action Complaint. Attached as, Exhibit "B," is a copy of SEPTA's Answer and Affirmative Defenses.

2. Plaintiff's Complaint alleges claims against SEPTA for violations of Title VII, the United States Constitution equal protection clause, the Pennsylvania Constitution, Article I, Section 1, and the Pennsylvania Criminal History Record Information Act.

3. On various dates, prior to January 17, 2000, and since that date each of the Third Party Defendants named hereinabove provided paratransit services to SEPTA pursuant to a written contract.

4. The underlying factual claim of plaintiff's complaint is that he, and the members of his putative class, were discriminated against by a SEPTA mandated contractual policy that prohibits the paratransit companies providing service to SEPTA from hiring, as drivers and attendants, those individuals who have a previous conviction for a violent felony or crime of

moral turpitude. Plaintiff, who is black, claims that this policy falls more heavily on Blacks and Hispanics and thus has a disparate impact on these groups.

5. Plaintiff claims he was so denied employment on January 17, 2000.

6. The Third Party Defendant companies commenced providing services to SEPTA, or their date of contract with SEPTA or both is as follows:

King Paratransit Service, Inc.	7/1/99
Edens, Corporation	3/15/99
Triage, Inc.	1988
Atlantic Paratrans, Inc.	3/15/99
Community Transit, Inc.	7/1/01
P&D Jagicla, Enterprises Inc. t/a	
Liberty Vans	8/5/01
Krapfs CPS, Inc.	8/26/01
Anderson Travel	7/29/01
King Limousine Service, Inc.	7/1/98

7. By virtue of the referenced contracts, the third-party defendants contracted and agreed to be liable for and to defend, indemnify, and save harmless SEPTA “from and against any and all loss, cost, damage, liability, claims, suits, and expense arising out of any claim of any kind or nature whatsoever. The full contracts are in the possession of the respective third-party defendants. Attached hereto as Exhibit “C” is a representative copy of the indemnity paragraph contained in each contract between SEPTA and the respective Third Party Defendants. Upon information and belief the respective indemnity clauses are identical to the representative one attached hereto and at issue in this case. The full contracts, several hundred pages in length each, are incorporated by reference herein.

WHEREFORE, SEPTA demands judgment against the Third Party Defendants for all sums that may be adjudged against the Third Party Plaintiff in favor of the plaintiff.

Respectfully submitted,

Saul H. Krenzel, Esquire
Dennis L. Scanlon, Esquire
SAUL H. KRENZEL & ASSOCIATES
42 S. 15th Street, Suite 800
Philadelphia, PA 19103
215-977-7230
Attorneys for defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Third Party Complaint was served upon counsel for plaintiff via United States mail, first class postage prepaid, on December 9, 2002, to the following individuals.

Wayne Ely, Esquire
Timothy M. Kolman & Associates
225 N. Flowers Mill Road
Langhorne, PA 19047

Eugene A. Spector, Esquire
Spector, Roseman & Kodroff, P.C.
1818 Market Street
Suite 2500
Philadelphia, PA 19103

Dated: December 23, 2002

Dennis L. Scanlon, Esquire